

APPEAL NO. 022767
FILED DECEMBER 11, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 15, 2002. The hearing officer determined that the respondent (claimant) reached maximum medical improvement (MMI) on November 7, 2000, with a 22% impairment rating (IR), as certified in the amended report of the designated doctor appointed by the Texas Workers' Compensation Commission. The appellant (self-insured) appeals the determinations on sufficiency of the evidence grounds and asserts that the designated doctor's amendment was not made within a reasonable time and for a proper purpose. The claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant reached MMI on November 7, 2000, with a 22% IR, as certified in the designated doctor's amended report. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE Section 130.6(i) (Rule 130.6(i)) provides that the designated doctor's response to a request for clarification is considered to have presumptive weight as it is part of the designated doctor's opinion. See *also*, Texas Workers' Compensation Commission Appeal No. 013042-s, decided January 17, 2002. The rule does not provide any time limits, nor does it require that the amendment be made "for a proper purpose."

The self-insured asserts that the designated doctor's opinion is contrary to the great weight of the other medical evidence, including the peer review doctor's report. We view the peer review doctor's report as representing a difference in medical opinion, which does not rise to the level of the great weight of medical evidence contrary to the designated doctor's amended report. The hearing officer's MMI/IR determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**SUPERINTENDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Edward Vilano
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Susan M. Kelley
Appeals Judge